

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RUBY J. ANDERSON,)
)
)
Plaintiff,)
)
)
v.) CIVIL ACTION NO. 1:09CV681-SRW
) (WO)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
)
Defendant.)

ORDER

This action is presently before the court on the motion to remand filed by the Commissioner on October 9, 2009 (Doc. # 11). The Commissioner asks that this court remand this action pursuant to sentence six of 42 U.S.C. § 405(g)¹ because the Commissioner has determined that three medical exhibits are missing from the administrative transcript. Plaintiff's counsel does not have copies of the exhibits and does not oppose the motion. Upon consideration of the Commissioner's motion, it is

ORDERED that the motion is GRANTED, and this action is REMANDED to the Commissioner pursuant to sentence six of § 405(g) for further administrative proceedings.

Done, this 20th day of October, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE

¹ Sentence six permits remand "on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer" 42 U.S.C. § 405(g). See Melkonyan v. Sullivan, 501 U.S. 89, 100 n. 2 (1991); Shalala v. Schaefer, 509 U.S. 292, 297 n. 2 (1993).